

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT COURT OF NEW YORK

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BOROUGH OF UPPER SADDLE RIVER, NEW JERSEY,
KAREN MILLER, ROY OSTROM, MARIA FLORIO, MARK
RUFFOLO AND LINDA MCDONALD,

Plaintiffs,

- against -

ROCKLAND COUNTY SEWER DISTRICT #1,

Defendant.

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Friday,

January 14, 2011

10:10 a.m.

EXAMINATION BEFORE TRIAL OF
a Defendant, ROCKLAND COUNTY SEWER
DISTRICT #1, by and through its Witness,
EUGENE YETTER, JUNIOR, held at the
offices of Rockland & Orange Reporting,
20 South Main Street, New City, New
York, on the above time and date, before
a Notary Public of the State of New York.

ROCKLAND & ORANGE REPORTING

20 South Main Street

New City, New York 10956

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1 A P P E A R A N C E S:

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21 BY: MICHAEL L. CAREY, ESQ.

1 Eugene Netter, Jr.

2 A. I don't know.

3 Q. Do you know what the manhole was
4 that was blocked, what number?

5 A. Not off the top of my head, no.

6 Q. Was it Manhole 10019; if you know?

7 A. I don't know.

8 Q. What's your job title with the
9 Rockland County Sewer District?

10 A. Director of Plant Facilities.

11 Q. How long have you been the Director
12 of Plant Facilities?

13 A. Nearly 13 years.

14 Q. How long have you been with the
15 Rockland County Sewer District?

16 A. Nearly 13 years.

17 Q. So you came in as the Director of
18 Plant Facilities?

19 A. Yes.

20 Q. Where did you work before the
21 Rockland County Sewer District?

22 A. I worked for Westchester County, New
23 York.

24 Q. What did you do for Westchester
25 County?

1 Eugene Netter, Jr.

2 A. I was a junior engineer.

3 Q. As the Director of Plant Facilities
4 do you primarily work at the Orangeburg Plant?

5 A. Yes.

6 Q. Are there times where you leave the
7 plant to go to site inspections?

8 A. Yes.

9 Q. With Westchester County how long
10 were you a junior engineer with them?

11 A. One year.

12 Q. Where were you before Westchester
13 County?

14 A. Charles A. Manganero Consulting
15 Engineers.

16 Q. Where are they located?

17 A. At the time they were in Hackensack,
18 New Jersey.

19 Q. How long were you with them?

20 A. Nine years.

21 Q. Briefly, what is your educational
22 background?

23 A. I have a Masters in business
24 administration, with distinction from Long Island
25 University. I have a Bachelor of Engineering in

1 Eugene Netter, Jr.
2 mechanical engineering, State University New York
3 at Stony Brook. I have a P.E. license New York
4 State.

5 Q. Is it up-to-date?

6 A. Yes, sir.

7 Q. As the Director of Plant -- is it
8 plant manager or director?

9 A. Director of Plant Facilities.

10 Q. Plant Facilities. Beg your pardon.
11 Who is your boss?

12 A. Dianne Philipps, through Michael
13 Saber, the Assistant Director.

14 Q. How long has Michael been the
15 Assistant Director?

16 A. I would guess four to five years.

17 Q. Have you had any discussions with
18 anyone, other than your attorney, regarding this
19 litigation?

20 A. Yes, briefly with Ms. Philipps just
21 the other evening.

22 Q. This was after her first deposition?

23 A. Yes.

24 Q. All right. The first day of her
25 depositions; correct?

1 Eugene Netter, Jr.

2 Q. Are you familiar with the Saddle
3 River Pump Station being identified as a
4 problematic pump station?

5 A. Please rephrase.

6 Q. Have you ever heard, either through
7 the Sewer District or through the DEC, as the
8 Saddle River Pump Station being identified as a
9 problematic pump station?

10 A. I'm not sure what you mean by
11 problematic.

12 It is one of the stations that is
13 higher head and higher capacity, which is unique
14 in our system, and therefore does require a
15 little more attention than some other stations.

16 Q. Okay. I guess problematic meaning
17 that there's been a fair number of sewage
18 overflows at the Saddle River Pump Station that
19 it's been identified as a problematic pump
20 station.

21 Have you ever heard anything along
22 those lines?

23 A. No, I haven't, not in those terms.

24 Q. Okay. Have you ever heard any
25 issues that dealing with sanitary sewer overflows

1 Eugene Netter, Jr.

2 at the Saddle River Pump Station more frequently
3 than other pump stations?

4 A. Yes, I have.

5 Q. Okay. Would you consider that the
6 greater frequency of the sanitary sewer overflows
7 at the Saddle River Pump Station, as opposed to
8 other pump stations, would cause the DEC to
9 identify it as a problematic pump station?

10 A. Please rephrase.

11 Q. Okay. You mentioned that you have
12 heard that there have been more frequent sanitary
13 sewer overflows at the Saddle River Pump Station;
14 correct?

15 A. Yes, sir.

16 Q. What degree of frequency do you
17 recall there being sanitary sewer overflows at
18 the Saddle River Pump Station?

19 A. The design of the station is such
20 that a problem at that station, the size of the
21 wet well, the volume, the flow rate of the pump
22 station is such that when there's a problem out
23 there, by the time the District can respond to a
24 problem out there, depending on the degree of the
25 problem, there's a good chance that there will be

1 Eugene Netter, Jr.

2 an overflow related to loss of that pump station.

3 Q. Okay. And is it more frequently
4 that there's a loss of that pump station causing
5 an overflow?

6 A. Perhaps slightly.

7 Q. And when there is the loss of that
8 pump station, the overflow -- do you know in the
9 overflow would reach a water body?

10 A. Yes.

11 Q. What's the water body that that
12 overflow reaches?

13 A. I believe it's either the Upper
14 Saddle River or a tributary thereto.

15 Q. Are you familiar with the Twin Lakes
16 Pump Station?

17 A. Yes, sir.

18 Q. Are there more frequent overflows at
19 the Twin Lakes Pump Station?

20 A. In a similar dynamic the Twin Lakes
21 Pump Station, again, is designed to handle such
22 flow and -- and such head conditions, and the
23 design of that wet well is such that when there's
24 a problem out there, the result tends to be an
25 overflow, yes.

1 Eugene Netter, Jr.

2 scenario. And DEC wanted to talk to us about
3 that situation, and how we identified it, and if
4 there were any corrective actions that could have
5 been put in place to ensure such situation
6 couldn't occur.

7 Q. Now, you're in charge of
8 maintenance.

9 You're also in charge of the
10 maintenance of the collection system; right?

11 A. Yes, sir.

12 Q. Which would include the Saddle River
13 Pump Station; correct?

14 A. Yes, sir.

15 Q. And you're familiar with your SPDES
16 permit; right?

17 A. No, I'm not.

18 Q. You're not familiar with the SPDES
19 permit at all?

20 A. No, sir.

21 Q. Do you know what a SPDES permit is?

22 A. Yes, I do, sir.

23 Q. And a SPDES permit is the permit
24 from the DEC which allows for certain discharges;
25 correct?

1 Eugene Netter, Jr.

2 A. It requires certain treatment levels
3 and discharge requirements from the treatment
4 plant proper.

5 Q. Okay. And any overflow or spill
6 that occurs at a pump station is in violation of
7 the SPDES permit; correct?

8 A. I'm not sure. Like I said, I'm not
9 all that familiar with the permit.

10 Q. Well, that's not an authorized
11 outsource; is it?

12 A. No, sir, it's not.

13 Q. Do you know how much -- you said
14 there was an equipment failure at the Twin Lakes
15 Pump Station that was discussed; right?

16 A. Yes, sir, in particular.

17 Q. Do you know how many gallons
18 overflowed as a result of that equipment failure
19 at the Twin Lakes Pump Station?

20 A. I don't recall.

21 Q. Do you know if it was a dry weather
22 or wet weather event?

23 A. I don't recall.

24 Q. And you know that distinction,
25 obviously, between a dry weather and wet weather?

1 Eugene Netter, Jr.

2 A. Yes.

3 Q. Okay. Have you ever heard there to
4 be capacity issues in the Rockland County Sewer
5 District?

6 A. Yes, sir.

7 Q. Where have you heard there to be
8 capacity issues?

9 A. In -- at certain locations
10 hydraulically within the collection system, as
11 well as certain pump stations normally during wet
12 weather events. I correct that. Only during wet
13 weather events.

14 Q. Only during wet weather events?

15 A. Yes, sir.

16 Q. Have you been informed about the
17 capacity issues in New Square, where there's been
18 a moratorium on connections to the Rockland
19 County Sewer District pipes?

20 A. No, sir.

21 Q. You haven't been informed of any of
22 that?

23 A. No, sir.

24 Q. How about the build out of the
25 Pascack Line, so that it would address the

1 Eugene Netter, Jr.

2 capacity issues in New Square?

3 A. No, sir.

4 Q. Have you heard of any discussions as
5 to the capacity issues at the Ramapo Interceptor?

6 A. Yes, sir.

7 Q. Tell me about those, what you've
8 learned about capacity issues at the Ramapo
9 Interceptor.

10 A. During wet weather the flow through
11 Ramapo Interceptor exceeds the capacity of those
12 pipes.

13 Q. Which would cause?

14 A. It would cause a sewer overflow.

15 Q. What would you describe to be a wet
16 weather event?

17 A. Generally heavy rain, short period
18 of time, usually something over two to three
19 inches of rain in a 24-hour period. Obviously it
20 could be less, depending on the situation, such
21 as frozen ground, snow pack or ice melt or snow
22 melt.

23 Q. You agree that it's fair to say that
24 there's been an increase in wet weather events in
25 recent years, as opposed to when you first

1 Eugene Netter, Jr.
2 started at the Rockland County Sewer District?

3 A. No, I --

4 Q. You don't agree with that at all?

5 A. No, sir.

6 Q. Okay. So --

7 A. Hurricane Floyd occurred my first
8 year.

9 Q. Okay. Which was 1999?

10 A. Yes, sir.

11 Q. After Hurricane Floyd would you
12 agree that there's been an increase in wet
13 weather events, as far as overflows, in the
14 Rockland County Sewer District?

15 A. Whether I... in general when those
16 parameters are met; roughly two inches to three
17 inches of rain in a 24-hour period or less, we
18 tend to have overflows in the system.

19 Q. And you're saying that whenever you
20 had two to three inches of rain over your 13-year
21 career that would result in wet weather events?

22 A. In general, yes.

23 Q. Which would result in sanitary sewer
24 overflows which, at certain locations, would
25 reach water bodies?

1 Eugene Netter, Jr.

2 A. Yes, sir.

3 Q. Do you know what was being done to
4 address those sanitary sewer overflows as a
5 result of wet weather events for your 13-year
6 period at the Rockland County Sewer District?

7 A. I am aware that the engineering
8 group was working with consultants to develop
9 inflow and infiltration abatement programs. The
10 District did have a rather aggressive inflow and
11 infiltration, or I & I program, in-house
12 initially, which we attempted to maintain.

13 It was decided roughly around the
14 time I started that pursuing that in-house didn't
15 make a whole lot of sense, and the majority, if
16 not all of that, has been contracted out in
17 recent years. Recent being the last eight or
18 ten.

19 Q. So you're saying within the last
20 eight or ten years it's been bid out for this
21 abatement program and engineering reports; right?

22 A. Yes, sir.

23 Q. Who was it bid out to; do you know?

24 A. No, I don't.

25 Q. Do you know if as a result of these

1 Eugene Netter, Jr.
2 from the Department of Environmental Conservation
3 to the Board of Health.

4 Q. Okay. And it's in response to the
5 Board of Health -- it appears to be in response
6 to the Board of Health's concerns about those
7 SSOs; correct?

8 A. Yes.

9 Q. Prior to today you never saw that?

10 A. Not to best of my recollection, no,
11 sir.

12 Q. And prior to today you never had any
13 discussions as Director of Maintenance as to
14 capacity issues in New Square?

15 A. No, sir.

16 Q. Now, are you familiar with dry
17 weather SSOs that have occurred at the Saddle
18 River Pump Station as well?

19 A. Yes, sir.

20 Q. And those dry weather SSOs, are you
21 familiar what the cause of those dry weather SSOs
22 are?

23 A. Dry weather SSOs normally caused at
24 a pump station by equipment failure.

25 Q. Could it also be caused by human

1 Eugene Netter, Jr.

2 error?

3 A. Yes, sir.

4 Q. Whether it be setting the gages too
5 low or having one power switch shut off,
6 etcetera?

7 A. Yes, sir, that is possible.

8 Q. Has there ever been discussions in
9 your Department as to staffing and understaffing?

10 A. Yes, sir.

11 Q. In particular as to maintenance
12 personnel, has there been issues within the last
13 five years within your Department as to staffing?

14 A. Yes, sir.

15 Q. That you were, in fact, from your
16 opinion, understaffed?

17 A. Yes, sir.

18 Q. And in those last five years did you
19 make that known to your bosses?

20 A. Yes, sir.

21 Q. How many people were you
22 understaffed in the Maintenance Department?

23 A. My manpower's down over 20 percent
24 since I started 13 years ago.

25 Q. Okay. What's your total manpower,

1 Eugene Netter, Jr.

2 so we can access what that 20 percent means?

3 A. I started at over 35. I'm down
4 around 27. Recently, in the last two weeks, I've
5 been allowed to rehire, and I've been attempting
6 to do so.

7 Q. Now, how long have you been down
8 20 percent?

9 A. Probably seven years.

10 Q. What's the general makeup of those
11 27 employees that you have working underneath
12 you?

13 A. My Department's divided into three
14 primary groups. We do plant maintenance. We do
15 pump station operations and maintenance. And we
16 do collection system operation and maintenance.

17 I would say the majority of the
18 manpower is for plant maintenance and collection
19 system, and the lesser of the three would be pump
20 station operation and maintenance, just based on
21 numbers.

22 Q. Okay. And that's because you're
23 understaffed, so that the pump station operation
24 and maintenance is the lesser?

25 A. We've tried to very aggressively

1 Eugene Netter, Jr.

2 cross train our personnel to make sure we have
3 the ability to fill in blanks where necessary.
4 Currently my -- my lesser of the three groups is
5 the collection system operation and maintenance.

6 Q. Okay. That's currently?

7 A. Currently.

8 Q. But over the past seven years, where
9 you were understaffed, pump station operations
10 and maintenance was the lesser of the three?

11 A. No. It's always, just by the nature
12 of the makeup of the Department, if you were to
13 look at those three groups, you're probably 35,
14 35, 30 percent, if you will. So it's not a
15 significant decrease.

16 Q. But you said across the board you
17 were down 20 percent?

18 A. Yes, sir.

19 Q. And you tried cross training the
20 employees so that they could do all tasks;
21 correct?

22 A. At least where possible, yes, sir.

23 Q. Okay. Do you agree that when you're
24 understaffed that if there's a sewer overflow or
25 a number of sewer overflows, that response time

1 Eugene Netter, Jr.

2 and ability to address those sewer overflows
3 would be impacted by staffing?

4 A. Yes, I would agree with that.

5 Q. Have you reviewed the Complaint in
6 this case?

7 A. No, I have not.

8 Q. You never saw the Complaint with the
9 allegations?

10 A. Not the physical Complaint, no, sir.

11 Q. Have you ever discussed with anyone
12 what the allegations are in this case?

13 A. Yes, sir.

14 Q. Who did you discuss those
15 allegations with?

16 A. Michael Carey, Counsel.

17 Q. Other than Michael Carey, have you
18 had any discussions with anyone about the
19 allegations in this Complaint?

20 A. No, sir.

21 Q. What's your general understanding as
22 to the allegations in this Complaint?

23 A. My general understanding is the
24 Borough of Upper Saddle River, New Jersey has a
25 Complaint against the Sewer District for I -- I

1 Eugene Netter, Jr.
2 would assume excessive overflow of sewage
3 affecting the -- the area of Upper Saddle River,
4 New Jersey.

5 Q. And the waterway being the Saddle
6 River that flows from the locations of the Saddle
7 River Pump Station down into Upper Saddle River?

8 A. Yes, sir, I would agree with that.

9 Q. All right. Are you familiar with
10 the Consent Decree in this case?

11 A. I'm familiar with it, yes.

12 Q. Have you ever seen the Consent
13 Decree in this case?

14 A. Yes, I have.

15 Q. Were you involved in arriving at the
16 final terms of the Consent Decree?

17 A. No, sir, not directly.

18 Q. How were you involved in it then?

19 A. I have provided information, data,
20 to my supervisor, in which I could tell from the
21 Consent Decree was obviously used in that
22 negotiation.

23 Q. Do you know when the pumps were, new
24 pumps were, put in at the Saddle River Pump
25 Station?

1 Eugene Netter, Jr.

2 A. I want to say fall of '07.

3 Q. Do you know if sanitary sewer
4 overflows have continued to occur at the Saddle
5 River Pump Station after the new pumps were put
6 in?

7 A. I believe we've had one since. I'd
8 have to check my records. I don't recall. But I
9 believe we have.

10 Q. So your recollection is only one?

11 A. Yes, sir.

12 Q. Showing you what's already been
13 marked at a prior deposition as Plaintiffs'
14 Exhibit 16. It's been identified as Spills 2008
15 File. And I'm directing your attention
16 specifically to Bates stamp page PLDW 00175, and
17 ask you to take a look at that.

18 (Document submitted.)

19 A. Yes, sir.

20 Q. Okay. That indicates that there was
21 a overflow, sanitary sewer overflow, at the
22 Saddle River Pump Station?

23 A. Yes, it does.

24 Q. And it's dated March 5th, 2008?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 Q. And that was after the pumps were
3 put in, --

4 A. Yes, --

5 Q. -- the new pumps?

6 A. -- I believe so.

7 Q. That's one; right?

8 And that's a few months after the
9 new pumps were put in; right?

10 A. Yes, sir.

11 Q. And this is a report from you to
12 Dianne Philipps; right?

13 A. Yes, sir.

14 Q. Okay. I'm going to ask you to turn
15 to 197.

16 A. Yes, sir.

17 Q. This is a report from September 6th
18 and 7th spills in 2008?

19 A. Yes, sir.

20 Q. Okay. And this is a report from you
21 to Dianne Philipps; right?

22 A. Yes, sir.

23 Q. And it lists the Saddle River Pump
24 Station, 754 Saddle River Road?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 Q. And it's another spill? This one's
3 15,000 gallons?

4 A. Yes, sir.

5 Q. And so that's a second spill since
6 then?

7 A. Yes.

8 Q. Does that refresh your recollection
9 that there's been more than one?

10 A. Yes, sir.

11 Q. And we can continue to go through
12 these, if you'd like.

13 Let's go to Bates stamp number, this
14 is Plaintiffs' Exhibit Number 18, Bates stamp
15 number 206.

16 This is, again, Saddle River Pump
17 Station; --

18 A. Yes, sir.

19 Q. -- correct?

20 This is a report from you to Dianne
21 Philipps?

22 A. Yes, sir.

23 Q. Okay. And this is, again, after the
24 new pump had been put in; right?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 Q. Okay. And here it shows 78,000
3 gallons of sewage overflowed during that event?

4 A. Yes, sir.

5 Q. And it says that it reached the
6 Saddle River; right?

7 A. Yes, sir.

8 Q. And, again, this was now at least a
9 third event that occurred after --

10 A. Yes, sir.

11 Q. -- the pump had been put in?

12 You wouldn't dispute these reports
13 that would indicate subsequent spills after the
14 pumps were put in; would you?

15 A. No, sir.

16 Q. In fact, these are reports that were
17 created by you, for the most part?

18 A. Yes, sir.

19 Q. And you wouldn't dispute the
20 representations about the estimates of the
21 gallons from the Rockland County Sewer District;
22 would you?

23 A. No, sir.

24 Q. Would you agree that putting in the
25 new pumps have not addressed the issues of the

1 Eugene Netter, Jr.

2 sanitary sewer overflows in the Saddle River Pump
3 Station?

4 A. Yes, I agree.

5 Q. Mr. Yetter, would you also agree
6 that in a dry weather event the sanitary sewer
7 overflow, the sewage is obviously less dilute;
8 correct?

9 A. Yes, sir.

10 Q. And meaning that there's a higher
11 concentration of sewage and pollutants in a dry
12 weather event?

13 A. Yes, sir.

14 Q. Okay. So when that higher
15 concentration of pollutants reaches a water body,
16 it could have a greater environmental impact;
17 correct?

18 A. Yes, it could.

19 Q. Okay. Do you know if the Sewer
20 District has the capacity to do water testing to
21 see the degree of pollutants that reaches a water
22 body?

23 A. Yes, we do have a lab in-house.

24 Q. And the person who is in charge of
25 that lab was a Mr. Hwang; is that right?

1 Eugene Netter, Jr.

2 A. Fung.

3 Q. Fung. I'm sorry. And how do you
4 spell that?

5 A. F-U-N-G.

6 Q. What is his title?

7 A. We refer to him as a Lab Supervisor,
8 but I believe his Civil Service title was
9 Pollution Control Supervisor.

10 Q. In the reports if there had been a
11 sample taken during either these dry weather or
12 wet weather events about the sewage that reached
13 the water body, would it be listed in the
14 reports?

15 A. In the spill reports that I
16 generate --

17 Q. Yes.

18 A. -- as Director of Facilities?

19 Q. Yes.

20 A. No, sir.

21 Q. Do you know if there are any lab
22 reports done of dry weather or wet weather spills
23 where samples were taken and tested?

24 A. No, not to my knowledge.

25 Q. Why not? Why weren't samples taken?

1 Eugene Netter, Jr.

2 A. It's not part of our -- our normal
3 procedure.

4 Q. Have you ever heard of any instances
5 where there have been SSOs that have resulted in
6 dead fish?

7 A. Yes.

8 Q. What events have you heard about
9 regarding dead fish as a result of SSOs?

10 A. I recall quite a few years ago there
11 being an instance of a sewer overflow in the
12 collection system, where the overflow collected
13 in a pond and -- and it resulted in a fish kill
14 in that particular pond. I don't recall the date
15 or the time of that incident.

16 Q. Do you know where the pond was?

17 A. No, sir.

18 Q. Do you know of any other events
19 where it resulted in a fish kill?

20 A. That's the only one I recall off the
21 top of my head.

22 Q. Are you familiar with any SSOs that
23 have flowed into bodies of water that are used
24 for drinking water?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 Q. How many times has that occurred?

3 A. More than a few.

4 Q. Meaning what?

5 A. I don't have a number for you, sir.

6 I couldn't quantify that over my 13 years.

7 Q. Well, as you sit here today, what
8 bodies of water that are used for drinking water
9 do you recall being effected as a result of an
10 SSO?

11 A. The Hackensack River, in particular.

12 Q. Who uses that for drinking water; do
13 you know?

14 A. I believe part of Bergen County, New
15 Jersey.

16 Q. How often has the Hackensack River
17 been affected as a result of an SSO?

18 A. Probably any -- any time an overflow
19 occurred from the Jeffery Court, Sickletown Road
20 area, which would normally be any wet weather
21 event of over two to three inches of rain over a
22 short period of time.

23 Q. And do you know if the Jeffrey
24 Court, is it also Strawtown Road?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 A. Yes, sir.

3 Q. Are you familiar with Manhole 10019,
4 in the Airmont area?

5 A. In the Airmont area?

6 Q. Well, at the beginning of the Ramapo
7 Interceptor.

8 A. Yes, sir.

9 Q. Okay. Are you familiar with, and I
10 believe it's been previously marked by Dianne
11 Philipps, as to where approximately the
12 Manhole 10019 is located?

13 A. Yes, sir.

14 Q. All right. And do you know that to
15 be previously identified as a problematic area?

16 A. Yes, sir.

17 Q. What do you understand -- why was
18 that, from your understanding, identified as a
19 problematic area?

20 A. It's actually a low section of that
21 particular line, and there have been times in wet
22 weather, again, where sewage has overflowed from
23 that particular manhole and into the area.

24 Q. Have you ever spoken with a David
25 Schneider?

1 Eugene Netter, Jr.

2 A. The name does ring a bell, sir.

3 Q. A neighbor who lives next to
4 Manhole 10019?

5 A. Okay.

6 Q. Have you ever spoken to him?

7 A. Yes, sir.

8 Q. What did you speak to him about?

9 A. Odor complaints, normally.

10 Q. How many odor complaints has he made
11 about Manhole 10019; if you know?

12 A. Usually several a year.

13 Q. Do you know if he's still making
14 odor complaints?

15 A. Not this time of year.

16 Q. In the spring is he making
17 complaints about odor?

18 A. I can't predict, sir, but he has in
19 the past.

20 Q. And is that typically when there's a
21 greater number of complaints because of the
22 increase of rainfall and then also thawing of the
23 snow?

24 A. No, it tends to occur during dry
25 weather.

1 Eugene Netter, Jr.

2 A. They monitor in particular the
3 Hudson River in our area for elicited and illegal
4 discharges.

5 Q. Have you ever had any discussions
6 with the New Jersey DEP?

7 A. Not relating to this issue, no.

8 Q. Do you know if they're supposed to
9 be notified when there's sewer spills that occur
10 in New York and flow down into New Jersey?

11 A. Yes.

12 Q. They are supposed to be; right?

13 A. Yes, sir, they are. That's part of
14 our procedure.

15 Q. So if they weren't notified, your
16 procedure would have been violated or not
17 followed?

18 A. Yes, sir.

19 Q. Whose obligation is it to notify
20 certain agencies when there's a sanitary sewer
21 overflow?

22 A. The division there, depending on the
23 time of day of the occurrence and day of week,
24 during normal work hours, during the day, it
25 would either be myself or my assistant, Josh

1 Eugene Netter, Jr.

2 Thomas.

3 During off shift hours or weekends,
4 holidays, that would be done by the operations
5 staff, normally the shift operator or his
6 designee, the assistant shift operator.

7 Q. Are you familiar with rag buildup at
8 the Saddle River Pump Station?

9 A. Yes, sir.

10 Q. And can you just explain how rags
11 get built up at certain pump stations?

12 A. One of the biggest challenges you
13 have in wastewater is you can't control what
14 people flush down the toilet, as such the more
15 common current tend in society to use these --
16 these disposable wipes, your Clorox Wipes, baby
17 wipes, diaper wipes, which are excellent for the
18 job they're intended, often, for whatever reason,
19 get flushed down the toilet, and they're not
20 biodegradeable. As they move down the collection
21 system, it will collect, they will form balls,
22 and, obviously, in large enough quantity, with
23 low enough flow, they can cause blockages.

24 We, use at the Saddle River Pump
25 Station, a bar rack assembly, which is basically

1 Eugene Netter, Jr.

2 a series of stainless steel rods in the sewage to
3 collect the rags and other debris that may
4 collect that maybe have the potential to cause
5 problems within the pumps themselves.

6 Q. Okay. And that bar rack assembly,
7 how often is it maintained?

8 A. Daily.

9 Q. Are there other mechanisms employed
10 in the industry that deal with rag buildup?

11 A. Yes, sir.

12 Q. Such as grinders?

13 A. Yes, sir.

14 Q. And some disintegrators, some kind
15 of chemicals that the are introduced to
16 disintegrate?

17 A. I've never heard of those.

18 Q. Well, the grinders, they would grind
19 up these balls; right, sir?

20 A. Yes, sir.

21 Q. And that would prevent the clogging
22 of the pumps; right?

23 A. In theory, yes.

24 Q. And the bar rack, it's cleaned
25 daily.

1 Eugene Netter, Jr.

2 A. The existing station couldn't
3 hand -- does not have the physical space for a
4 additional pump.

5 Q. How about Twin Lakes? Why is there
6 only three pumps at Twin Lakes?

7 A. Because the existing facility has no
8 space for an additional pump.

9 Q. Has there ever been any discussions
10 about diverting the flow from the Saddle River
11 Pump Station to avoid sanitary sewer overflows?

12 A. Not -- not in any serious degree,
13 no.

14 Q. Why not?

15 A. I honestly don't know.

16 Q. Is that something that can be done
17 to divert the flow away from the Saddle River
18 Pump Station, to avoid sanitary sewer overflows
19 in wet weather events?

20 A. Can it be done? Sure. I guess
21 anything can be done, sir. I'm not sure about
22 the hydraulics of the other collection parts of
23 the collection system, where the sewage would end
24 up.

25 Are we simply moving a problem? And

1 Eugene Netter, Jr.
2 that would have to be analyzed and looked at.
3 It's a -- a much more intricate and complicated
4 than just saying, move it over there.

5 Q. No, right. I understand that. And
6 you're also talking about on the western part of
7 Ramapo there's a new treatment facility that was
8 just build, a multi million dollar treatment
9 facility; correct?

10 A. Yes, sir.

11 Q. Some \$47 million was allocated to
12 building this facility; if you know?

13 A. I don't know.

14 Q. All right. Does that number sound
15 to be high?

16 A. No, sir.

17 Q. Do you know if that facility is
18 fully running?

19 A. It's my understanding it's in
20 service at this time.

21 Q. Okay. I think the number I had,
22 based on prior depositions, was 47.3 million.

23 You wouldn't contest that number;
24 would you?

25 A. I honestly don't know. I'm not in a

1 Eugene Netter, Jr.

2 position to confirm or deny.

3 Q. You're not involved in the budgeting
4 for build outs; are you?

5 A. No, not for proposed. (Indicating).

6 Q. Now, as far as capacity issues at
7 the Saddle River Pump Station, did there come a
8 time where there were capacity issues at the
9 Saddle River Pump Station?

10 A. During wet weather events.

11 Q. And that there's still capacity
12 issues at the Saddle River Pump Station during
13 wet weather events; correct?

14 A. Yes, I'd have to agree with that.

15 Q. So during wet weather events the
16 Saddle River Pump Station will likely still
17 overflow; correct?

18 A. Under certain conditions, yes.

19 Q. Let's get back to the maintenance of
20 the bar racks. Tell me what a maintenance
21 worker, he goes in, he looks at the bar rack --
22 it's kind of like a screen; right?

23 A. No, it's only one direction.
24 They're thick bars. They're approximately three
25 quarters of an inch wide, by an inch and a

1 Eugene Netter, Jr.

2 half --

3 Q. So it's more like a prison --

4 A. Long.

5 THE COURT REPORTER: Hang on.

6 Q. Let me just go through that one
7 instruction. I forgot to give you this one
8 instruction, that she can only take down one
9 person at a time. So I have a tendency to get
10 into a conversation. If you could just let me
11 finish my question, so that she can get the
12 answer and it's not broken up.

13 A. Yes, sir.

14 Q. Thank you.

15 So more like a prison cell than a
16 screen?

17 A. Yes, sir.

18 Q. All right. And those bars, is that
19 designed so that they won't clog up there; if you
20 know?

21 Well, the bar rack is designed to
22 catch some of the bigger rags; right?

23 A. Yes, sir.

24 Q. But the smaller rags will get
25 through; right?

1 Eugene Netter, Jr.

2 A. Yes, quite possibly.

3 Q. All right. Has there ever been any
4 study done as to whether different bar racks can
5 be put in to prevent the inflow of smaller rags
6 down to the pumps?

7 A. Not to my knowledge.

8 Q. Is there anything in the industry
9 that would allow for that?

10 A. There are other devices, not
11 necessarily bar racks, that are available, that
12 may do a better job of removing rags.

13 Q. Such as grinders?

14 A. Yes, sir.

15 Q. Was there ever anything done or any
16 studies done, as far as you know, as to the
17 installation of grinders in the location of the
18 Saddle River Pump Station?

19 A. I believe there was.

20 Q. And what was the result of that
21 study?

22 A. I believe it's in draft form, and
23 it's in the engineering group, as far as I know.

24 Q. Now, by draft form, does you mean
25 that it was studied and the engineers thought

1 Eugene Netter, Jr.

2 that perhaps it would be a good idea to include
3 grinders to address the issues of the buildup
4 there?

5 A. Yes, sir.

6 Q. Do you know who did that draft form
7 engineering report?

8 A. I believe it was James Hwang,
9 H-W-A-N-G.

10 ***

11 MR. BURKE: Okay. I'm going to
12 call for production of that draft report,
13 Michael.

14 Q. Do you know what the title of that
15 draft report is?

16 A. I don't recall.

17 Q. James Hwang is with the Sewer
18 District; right?

19 A. Yes, sir.

20 Q. So this wasn't something that was
21 contracted out; right?

22 A. Not to my knowledge, no.

23 Q. What is his title?

24 A. Engineer three.

25 Q. Do you know a Mr. Findrella(ph).

1 Eugene Netter, Jr.

2 Am I pronouncing his name right?

3 Joseph, another engineer at the Sewer District?

4 Joseph LaFinatre(ph)?

5 A. LaFiandra, yes.

6 Q. Fiandra.

7 A. Yes, I do know a Joseph LaFiandra.

8 Q. Is he still with the Sewer District?

9 A. Yes, he is.

10 Q. What's his job duties?

11 A. I'm really not sure. He's not under
12 my charge. In general as an Engineer Two he
13 would do some construction management, resident
14 inspection type work.

15 Q. Is he concerned with changing in
16 zoning as to capacity issues on the sewer system?

17 A. He may do subdivision review for the
18 Sewer District for -- for primary design plats,
19 but I'm really not sure.

20 Q. And if there's a change in zoning
21 that would call for the allowance of more high
22 density housing, that would be something under
23 his charge; is that a fair statement?

24 A. He would review it. I'm not sure if
25 the proposed change in zoning would go to an

1 Eugene Netter, Jr.
2 Engineer Two. That might be handled at a higher
3 level.

4 Q. Like who?

5 A. Dianne would decide, Ms. Philipps.

6 Q. Have you seen this draft report by
7 Mr. Hwang?

8 A. Yes, I have.

9 Q. What does it say in the report?

10 A. I don't recall. It's been quite
11 some time.

12 Q. Do you know when it was first
13 drafted?

14 A. No, sir.

15 Q. Was it within the last four or five
16 years?

17 A. Yes.

18 Q. Okay. Can you approximately recall
19 how long ago it was that you saw this draft
20 report?

21 A. Maybe two or three years.

22 Q. And it's still in draft form?

23 A. To the best of my knowledge.

24 Q. These grinders, what would it take
25 to replace or to install grinders at the Saddle

1 Eugene Netter, Jr.

2 River Pump Station?

3 A. I'm not sure that was the best
4 option, which is why it's probably still in draft
5 form.

6 The configuration of the current
7 pump station is not conducive to a simple drop in
8 of a grinder, other modifications are required.
9 I do recall mentioning that part to James, and
10 I'm not sure where it went from there.

11 Q. Okay.

12 A. Whether he was asked to look at
13 other options, I'm not sure.

14 Q. If it only required dropping in a
15 grinder, what would that take by way of
16 changing -- and didn't need any change in
17 configuration, if it was allowable to just put in
18 a grinder?

19 A. Hypothetically?

20 Q. Yes.

21 A. Depending on the actual grinder
22 chosen and how drop in, drop in (indicating) is
23 in the wastewater industry, you'd have to create
24 a channel to drop the grinder in, you'd need a
25 power supply for that grinder, for that

1 Eugene Netter, Jr.
2 environment, a control mechanism for it, control
3 wiring for that device, as well as a control
4 mechanism.

5 It's a project that probably could
6 have been done in-house at some point in time,
7 but logistics are such that it would have to be
8 done by an outside contractor, in my opinion.

9 Q. During your time as an engineer at
10 Rockland County Sewer District have there ever
11 been contracts or in-house projects where
12 grinders were installed?

13 A. No, sir.

14 Q. How about when you were at
15 Westchester?

16 A. No, sir. Different scope of work at
17 Westchester.

18 Q. So you hadn't been working with a
19 sewer system in Westchester?

20 A. No, sir.

21 Q. Are you able to estimate what it
22 would cost to put in a grinder at the Saddle
23 River Pump Station?

24 A. No, sir.

25 Q. Are you ever called upon to provide

1 Eugene Netter, Jr.

2 estimates for projects?

3 A. Not normally on new construction.

4 Q. I'm sorry?

5 A. Normally not new construction
6 projects.

7 Q. Would this be considered a new
8 construction project?

9 A. Yes, sir.

10 Q. So you're called upon to estimate
11 for maintenance projects?

12 A. Yes, sir.

13 Q. And that's something that you do
14 regularly; right?

15 A. Yes, sir.

16 Q. Have you ever been called upon to
17 estimate for maintenance projects at the Saddle
18 River Pump Station?

19 A. Yes, sir.

20 Q. And what, as you sit here today,
21 what estimates do you recall being asked for, for
22 maintenance to the Saddle River Pump Station?

23 A. I've work with vendors and
24 consultants to estimate rebuilding motors,
25 rebuilding pumps, sump pump control panels.

1 Eugene Netter, Jr.

2 In general, if it's existing
3 equipment, replacing of existing equipment is
4 what maintenance does; either repairs or replace
5 as necessary, with either newer designs of
6 existing or existing if it's still available.

7 If it's a new design desired by the
8 District or recommended by myself even, usually
9 engineering people will get involved and they'll
10 decide whether to do it in-house or contract it
11 out to a consulting engineering firm, depending
12 on the scope and breath.

13 Q. The replacement of the pumps at the
14 Saddle River Pump Station, they were replaced
15 with the same exact pump that was previously
16 there; right?

17 A. I believe they were.

18 Q. And that's the Cornell pump?

19 A. Yes, sir.

20 Q. Same, obviously, make and model?

21 A. I believe so, yes, or the current
22 version of the existing pump, yes.

23 Q. Correct. And that was the same
24 pumps that had previously worn down and were
25 failing; correct?

1 Eugene Netter, Jr.

2 the Saddle River Pump Station?

3 A. Hackensack is a six pump pump
4 station, with, I believe, lower head requirements
5 and higher volume requirements.

6 Q. Lower head requirements, meaning
7 what?

8 A. In the discharge pressure is less
9 than the Saddle River Pump Station.

10 Q. Okay. But it has a higher flow?

11 A. I believe so.

12 Q. And you said there's six pump there,
13 as opposed to the three that are at the Saddle
14 River Pump Station?

15 A. Yes, sir.

16 Q. What was the year you started at the
17 Rockland County Sewer District?

18 A. January '98.

19 Q. After a dry sanitary sewer overflow
20 that reaches a water body, what, if anything,
21 does the maintenance do to cleanup?

22 A. We'll inspect the area. We'll
23 collect any visible solids from the area. Rake
24 out grass, re level ground, if necessary. If
25 there's been any erosion, fill in the erosion.

1 Eugene Netter, Jr.

2 And normally dispense a small quantity of powder
3 lime.

4 Q. What does the lime serve to do?

5 A. It mitigates the odors in
6 particular. It will act as a disinfectant of the
7 high pH quantity -- high pH.

8 Q. So it's really more to address the
9 odor issues; right?

10 A. I believe so, yes.

11 Q. Have you been out to the Saddle
12 River Pump Station and Manhole 10172 and 74?

13 A. At some point in time, yes.

14 Q. How often have you been there?

15 A. Not very.

16 Q. By not very, more than five?

17 A. Over my time, yes, probably.

18 Q. I'm going to show you what's been
19 marked as Plaintiffs' Exhibit 5 at a prior
20 deposition, and ask you to take a look at it.

21 (Document submitted.)

22 Q. Have you had an opportunity to look
23 at Plaintiffs' Exhibit 5?

24 A. Yes, sir.

25 Q. Okay. Do you recognize what's

1 Eugene Netter, Jr.

2 depicted in Plaintiffs' Exhibit 5?

3 A. Yes, I do.

4 Q. Is that the Saddle River Swim Club
5 near the Saddle River Pump Station and a manhole
6 located near the fence of the Saddle River Swim
7 Club?

8 A. Yes, it is.

9 Q. If you know, do you know what
10 manhole number that is?

11 A. No, I don't.

12 Q. Okay. What kind of manhole is that?
13 And we're looking at Page 1477.

14 A. This is a manhole that was modified
15 many years ago. I'm really not sure when. It
16 was conveyed to me anecdotically as modified
17 years and years ago in any effort to preclude
18 backups from wet weather in the line into Saddle
19 River Pump Station, in an effort to stop backups
20 going into the Swim and Tennis Club. This was
21 designed as an overflow to overflow out this
22 manhole, rather than flooding the Swim and Tennis
23 Club.

24 It has since been redesigned, so as
25 to not have that feature of ability to overflow.

1 Eugene Netter, Jr.

2 Q. Okay. Well, your understanding is
3 that that manhole, which is adjacent to the
4 property of the Saddle River Swim Club, was
5 designed or modified to prevent overflow into the
6 Swim Club?

7 A. That's my understanding.

8 Q. What was done to change the
9 modification to prevent the overflow into the
10 Swim Club?

11 A. This configuration you see here,
12 what was the modification, the addition of a wall
13 and a plate and almost designed to act as a check
14 valve, so as to allow sewage to come out this
15 location, but rather than flood the front of the
16 Swim and Tennis Club.

17 Q. Okay. So there's another manhole
18 further up --

19 A. Yes, sir.

20 Q. -- in the parking lot?

21 A. Yes, sir, between this one and the
22 Saddle River Pump Station. Actually, two.

23 Q. Okay. And this serves, as you said,
24 a check valve to basically relieve the overflow
25 of those other two manholes?

1 Eugene Netter, Jr.

2 A. Yes, sir.

3 Q. And, in fact, it would then -- do
4 you know when that was done, when that was
5 changed?

6 A. No, sir. Long before me.

7 Q. Okay.

8 A. My understanding is that overflow
9 ability by design was taken out of service around
10 the time I started, although, obviously, there is
11 evidence that it has overflowed from this area,
12 but that design ability to overflow was taken out
13 of -- out of service.

14 Q. What does that mean?

15 A. I honestly don't know. That's the
16 way it was described to me. It was designed --
17 it was modified in such a way so as to allow
18 sewage to overflow from this location, to prevent
19 sewage from overflowing further downstream.

20 Q. But downstream, you're not talking
21 downstream from the Saddle River, it's actually
22 further away from the tributary to the Saddle
23 River or the Saddle River itself; right?

24 A. Yes, sir.

25 Q. So that by designing this, it would

1 Eugene Netter, Jr.

2 cause the overflow to occur and flow down into
3 the river itself; correct?

4 A. Yes, sir.

5 Q. As opposed to the parking lot?

6 A. Yes, sir.

7 Q. Do you know who made that design
8 change?

9 A. No, sir.

10 Q. And, in fact, that design change is
11 causing the overflows to occur here, as opposed
12 to the other location; right?

13 A. The other location still overflows.

14 Q. So they both overflow?

15 A. Yes, sir.

16 Q. So that design change didn't address
17 anything?

18 A. No, sir.

19 Q. Now, you mentioned that it's
20 being -- there's been since a further
21 modification done in that area.

22 Are you familiar with a lawsuit that
23 the Swim Club brought against the Sewer District?

24 A. No, sir.

25 Q. All right. You were never informed

1 Eugene Netter, Jr.

2 that the Swim Club also brought an action against
3 the Sewer District?

4 A. No, sir.

5 Q. Or threatened litigation against the
6 Sewer District?

7 A. I believe they've been threatening
8 for years. I didn't realize they brought
9 litigation.

10 Q. And what was the basis of their
11 threats for years, as far as you know?

12 A. The drains, the floor drains, in
13 their locker rooms and their -- their rest
14 facilities would overflow when the line in
15 question would backup. (Indicating).

16 Q. Okay. And also when -- do you know
17 if when this manhole overflows, if that would
18 overflow onto their property as well?

19 A. If I remember the topography, it
20 would not, but I could be mistaken. I recall
21 there was a berm in that area, but that may be
22 further down.

23 Q. Do you know if there's since been a
24 berm that's been put in because of the fact that
25 there's been overflows into their property?

1 Eugene Netter, Jr.

2 A. Our engineering group is responsible
3 for redoing this manhole. I was told the job was
4 done some time ago. That could have included
5 adding a berm.

6 Q. And some time ago, can you quantify
7 that or --

8 A. No, sir.

9 Q. Since you've been there have there
10 been any modifications to that manhole that's
11 adjacent to the Swim Club?

12 A. Which is that manhole, the one --

13 Q. The one I just showed.

14 A. -- depicted.

15 Q. Yes, with the metal cover.

16 A. Yes, I believe that was redone by
17 our engineering group, to add a watertight cover
18 and raise that particular manhole.

19 Q. And the watertight cover would then
20 attempt to prevent it from blowing?

21 A. Yes.

22 Q. So when it did blow, that had to be
23 pretty good pressure to blow that watertight
24 cover?

25 A. Yes, sir.

1 Eugene Netter, Jr.

2 Q. What would the amount of pressure be
3 needed to blow a watertight cover that like?

4 A. I don't know.

5 Q. And you agree that that cover has
6 continued to blow and overflow has continued to
7 flow down into the Saddle River; right?

8 A. Yes, sir.

9 Q. Both during dry events and wet
10 weather events?

11 A. Whenever the Saddle River Pump
12 Station either can't keep up with the flow or
13 fails.

14 Q. This is --

15 A. To keep up with the flow.

16 Q. This is where --

17 A. That's one location, yes.

18 Q. Where the spill would come out?

19 A. Yes, sir.

20 Q. So it's either a higher contraction
21 of raw sewage by gallons coming out here or lower
22 concentration, but perhaps greater volume, during
23 a wet weather event; correct?

24 A. Could very well be, yes.

25 Q. I'm going to show you what's been

1 Eugene Netter, Jr.

2 previously marked as Plaintiffs' Exhibit 13,
3 photos from March 5th, 2008.

4 (Document submitted.)

5 Q. Showing you what's been marked as
6 Plaintiffs' Exhibit 13. Ask you to take a look
7 at that.

8 A. Okay.

9 Q. Okay. And Plaintiffs' Exhibit 13
10 that shows, again, the manholes near the Saddle
11 River Pump Station?

12 A. Yes, sir.

13 Q. Okay. And it also shows that these
14 are pictures that appear after a spill occurred;
15 is that fair to say?

16 A. Yes, sir.

17 Q. And it shows debris and a trail of
18 debris heading down towards the River, the Saddle
19 River; is that correct?

20 A. Yes, sir.

21 Q. And the debris contains what we were
22 discussing before as rags; is that right?

23 A. Yes, sir. That's the common term in
24 the industry.

25 Q. And the rags are the buildup of

1 Eugene Netter, Jr.

2 toilet products?

3 A. Yes, sir.

4 Q. Including some of the products that
5 you said are non-biodegradeable that now you find
6 in the system; correct?

7 A. Yes, sir.

8 Q. Do you know if there's any kind of
9 educational programs that the Sewer District
10 utilizes to address non-flushable items?

11 A. No, sir, I don't.

12 Q. Do you know if there's any
13 educational program that the Sewer District
14 employs as to restaurants for grease buildup?

15 A. Yes, we do.

16 Q. What do you do in that regard?

17 A. Our Industrial Pretreatment
18 Coordinator, who is responsible for industrial
19 pretreatment IPP program, issues permits I
20 believe to users who -- who are -- commercial
21 users of the collection system. Several of them,
22 if not most of the users, who fall in that
23 category are required to have their waste stream
24 sampled on a regular basis, be it monthly,
25 quarterly or semiannually.

1 Eugene Netter, Jr.

2 A. Yes, sir.

3 Q. How many positions are you going to
4 be filling in the next few months?

5 A. Last week I filled three. That's
6 the first hire for us in over three years.

7 Q. Three full-time maintenance?

8 A. Two maintenance helpers and one
9 storekeeper.

10 Q. What's a storekeeper do?

11 A. We have, obviously, an inventory of
12 parts and materials to support our operations.
13 The storekeeper is responsible for maintaining
14 that inventory, reordering, if necessary.

15 Q. Do you know if the DEC, during the
16 Consent Decree review, ever admonished the Sewer
17 District that they're understaffed and should
18 make every effort to increase their staffing?

19 A. I believe they did.

20 Q. And then ultimately the County paid
21 heed to that admonishment?

22 A. It seems the County's in the process
23 of paying heed to that admonishment.

24 Q. The storekeeper, he's in charge of,
25 you said, parts inventory, for the most part?

1 Eugene Netter, Jr.

2 A. No, sir.

3 Q. Renaldo Rivera?

4 A. Arnolddo Rivera.

5 Q. Okay. I'm sorry. I beg your
6 pardon.

7 Who was his predecessor?

8 A. His last full-time predecessor was
9 Ricardo. I forget his last name.

10 Q. When was he last with the Sewer
11 District?

12 A. At least two years.

13 Q. When there's a sanitary sewer
14 overflow occurring, let's deal first with a dry
15 weather sanitary sewer overflow, what, if
16 anything, can be done to try to divert the flow
17 to minimize the impact of the overflow?

18 A. To divert the flow?

19 Q. Yes. So, for example, if there's a
20 sanitary, a dry sanitary, sewer overflow
21 occurring at the Saddle River Pump Station, is
22 there anything that can be done in the system
23 during a dry event to divert the flow, so that
24 you could minimize the impact of that overflow in
25 that area?

1 Eugene Netter, Jr.

2 A. No, sir. Normally our -- our first
3 priority, if it's in the area of the Saddle River
4 Pump Station, is to determine the cause of the
5 overflow; be it blockage or mechanical failure,
6 and get pumps up and running. That's the
7 quickest way to eliminate that particular
8 overflow.

9 Q. So the quickest way is to get it
10 back on line to minimize the overflow?

11 A. Yes, sir.

12 Q. Now, as far as estimating -- it's
13 your guys that are out there during the overflow;
14 right?

15 A. Yes, sir.

16 Q. And they're the ones that are called
17 upon to do the estimates of the overflow; right?

18 A. Yes, sir.

19 Q. What methods do they employ to
20 determine the overflow?

21 A. There was a study done sometime ago
22 by the City of San -- of San Diego. And the
23 result of that study was some rather detailed
24 pictures of overflowing manholes at given flow
25 rates. The guys, in essence, have a cheat sheet

1 Eugene Netter, Jr.

2 with probably a dozen pictures of different sewer
3 flow rates coming out of a manhole, and they use
4 that as their estimating guide for gallons per
5 minute overflow.

6 Q. And that cheat sheet, is that
7 something that each person carries with them, or
8 is it they're just generally familiar with the
9 pictures?

10 A. It's in the truck. Some are
11 familiar enough that they have a pretty good feel
12 at this point in time, fortunately or
13 unfortunately.

14 Q. Right.

15 A. We also cross check that data by
16 using flow meters at the pump stations, do some
17 data analysis to figure out how long it was down,
18 what the average flow was, and use that to
19 determine what may have come out of the system.

20 Q. Is there any testing that's done to
21 determine what the concentration of pollutants or
22 sewage is before it discharges from the pump
23 station in an overflow?

24 A. No, sir.

25 Q. This cheat sheet, it's just a series

1 Eugene Netter, Jr.

2 Number 2555. It was produced in this litigation.

3 In this Exhibit 41 it references a
4 sanitary sewer overflow that occurred in and
5 around March 29th, 2010?

6 A. Yes, it does.

7 Q. And it talks about the Hackensack
8 River and sewage overflowing into the Hackensack
9 River?

10 A. Yes, sir.

11 Q. And it also talks about United Water
12 increasing the chlorination, or being prepared
13 to increase the chlorination?

14 A. No, sir, it refers to Nyack Water
15 Treatment. Nyack using an interconnect with
16 United Water.

17 Q. You're correct. There's a Nyack
18 Water that's different from United Water?

19 A. That's my understanding.

20 Q. Do you know if Nyack increased the
21 chlorination because of this sanitary sewer
22 overflow?

23 A. I don't know.

24 Q. Have you ever been made aware of
25 other water companies that have had to increase

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2 Q. Agreed.

3 A. To my knowledge, it's never been
4 used.

5 Q. And, again, we don't know the or at
6 least the Sewer District is -- doesn't know the
7 extent of the pollutants that enter into a
8 waterway, because testing was never done?

9 A. I'd have to agree with that, to a
10 agree. I mean, a wastewater stream is a
11 wastewater stream. We know what the constituents
12 are that come into the plant. That's sampled
13 when it gets to the plant. To assume further
14 upstream what's coming into the plant is
15 significantly different I'm -- I'm not sure I can
16 make that type of statement.

17 Q. But I'm talking about not a
18 wastewater stream that enters into a natural
19 water body, like the Saddle River.

20 A. Yes, sir.

21 Q. That's not a wastewater stream;
22 right?

23 A. You're saying it came from the
24 collection system though.

25 Q. Came from the collection system --

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2 A. Yes, sir.

3 Q. -- and entered into the Saddle
4 River. The collection system being the pump
5 station that overflows.

6 Isn't that part of the collection
7 system?

8 A. Yes, sir.

9 Q. All right. So coming from that pump
10 station that overflows, you don't know the level
11 of pollutants; do you?

12 A. Other than what goes into the plant.

13 Q. And that tells you what the level of
14 pollutants are?

15 A. In that -- in whatever didn't
16 overflow, if you will.

17 Q. Okay. And that gives you levels of
18 dry weather and wet weather, as to the --

19 A. I would --

20 Q. -- toxicity?

21 A. I would assume, yes.

22 Q. When were you first made aware of
23 the Borough of Upper Saddle River's lawsuit?

24 A. I want to say the Notice of Claim
25 was filed in 2007, but I'm not sure. I don't

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2 sewer system mechanic two. For all practical
3 purposes, the foreman for line operations. He
4 would respond, if not to every overflow, nearly
5 every overflow.

6 Q. Frank Nelson would?

7 A. Yes.

8 Q. When did he retire?

9 A. November.

10 Q. How long was he there?

11 A. Thirty-six years,
12 thirty-seven years.

13 Q. Did he, if you know, live in the
14 area, so that his response time would be quicker,
15 if it was on an emergency basis?

16 A. I believe he's in Pearl River.

17 Q. I'm just going to show you a few
18 photographs that have been previously marked as
19 Plaintiffs' Exhibit 15, marked 15 one through
20 35. I show you just Plaintiffs' Exhibit 15, one.

21 MR. CAREY: Do you want him to
22 review all the pictures?

23 MR. BURKE: No, just first one.

24 A. Sure.

25 Q. Do you recognize where that location

1 Eugene Netter, Jr.

2 is?

3 A. Looks like Strawtown Road.

4 Q. Where's Strawtown Road?

5 A. Or --

6 Q. Perhaps if you put it in better
7 context, if you look at a few of them. Keep
8 going.

9 A. This would be -- what is that, South
10 Monsey Road, in the area of New County Road, I
11 guess, is -- depending on which side of Christmas
12 Hill you're on.

13 Q. And is that where there were -- is
14 that where the beginning of the Ramapo
15 Interceptor is, in that vicinity?

16 A. Yeah, in that vicinity.

17 Q. Okay. Do you know if that's where
18 it's previously been identified as a problematic
19 area for overflows?

20 A. Yes, sir.

21 Q. And that there's been some
22 maintenance work that's been done in that area?

23 A. No. There's been some construction
24 work that's been done in that area.

25 Q. The construction work where they put

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2 flow, that is there's two peaks to the flow
3 rate; once in the morning and once in the
4 evening. This would be beginning to middle of
5 the evening diurnal peak.

6 Q. All right. And odor complaints
7 aren't considered emergency complaints that would
8 need to be immediately addressed; right?

9 A. Not normally, no.

10 Q. You also are familiar with there's
11 been overflow complaints in that location;
12 correct?

13 A. Yes, sir.

14 Q. Both dry weather and wet weather
15 overflows; if you know?

16 A. I believe just wet weather. I don't
17 recall dry weather overflows from this area.

18 Q. Going back to the beginnings of
19 Plaintiffs' Exhibit 15. Plaintiffs' Exhibit 15
20 two, that's just another picture of the Saddle
21 River Swim Club; correct?

22 A. Yes, sir.

23 Q. And it shows that water is actively
24 flowing out of that manhole; correct?

25 A. Yes, sir.

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2 A. Or even operations, I believe.

3 Q. Okay. Do you know who the group is
4 that maintains and operates that facility?

5 A. No, I don't.

6 Q. Okay. Do you know if there's been
7 any of the Rockland County Sewer District flow
8 that's been redirected to that facility?

9 A. Yes, sir.

10 Q. Where has that flow been redirected
11 from?

12 A. From our Mahwah Pump Station, off of
13 Lake Road, Suffern.

14 Q. Anywhere else?

15 A. (Indicating). As far as I know,
16 just Mahwah.

17 Q. Okay. Is it capable to have the
18 flow redirected from the Union Hill and
19 Montebello Pump Stations to the new West Ramapo
20 Wastewater Treatment Plant?

21 A. Not with the current configuration,
22 not the current design, no.

23 Q. Just so I can, Cherry Lane pumps to
24 Saddle River.

25 What pumps to Cherry Lane?

1 Eugene Netter, Jr.

2 A. I believe Cherry Lane takes the
3 gravity from this sub basin here around the area
4 of the Cherry Lane Pump Station. I believe
5 that's the way that works, that area.

6 Q. Okay. Have you ever been notified
7 of a large spill or overflows from the Cherry
8 Lane Pump Station?

9 A. Yes.

10 Q. And both dry weather and wet weather
11 overflows from the Cherry Lane Pump Station?

12 A. Yes.

13 Q. And are there -- is there a water
14 body near the Cherry Lane Pump Station, as well?

15 A. There is a stream behind the Cherry
16 Lane Pump Station, which I believe is a tributary
17 to the Saddle River.

18 Q. And, if you know, is there a Lake
19 Oratam that's not far from the Cherry Lane Pump
20 Station?

21 A. I don't know.

22 Q. But you do know that there's a
23 stream in that location, and if you're familiar
24 with the overflows that occurred at the Cherry
25 Lane Pump Station, has it been reported in the

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2 spill reports that it has reached that tributary
3 to the Saddle River?

4 A. If it -- if it is noted that it did,
5 then it would be noted in the report.

6 Q. The Cherry Lane Pump Station, is
7 that the same configuration as the Twin Lakes and
8 the Saddle River Pump Station?

9 A. Yes, sir.

10 Q. Meaning that it's a three pump pump
11 station, two operational?

12 A. Yes, sir.

13 Q. How about the Pine Brook, same
14 configuration?

15 A. Yes, sir.

16 Q. Three pump station, two pumps?

17 A. I believe so, yes.

18 Q. South Pascack, same thing; three
19 pump stations?

20 A. Yes, sir.

21 Q. And these are all the dry wells?

22 A. Dry well, wet well configuration,
23 yes.

24 Q. Are those the only -- of your pump
25 stations, I was led to believe that there's, as